

HAMILTON COUNTY BOARD OF COMMISSIONERS
JULY 14, 2003

The Hamilton County Board of Commissioners met on Monday, July 14, 2003 in the Commissioner's Courtroom in the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana. The Commissioners met in Executive Session in Conference Room 1A at 1:00 pm. The public session was called to order by Commissioner Dillinger at 1:52 pm with a quorum declared present of Commissioner Christine Altman and Commissioner Steven C. Dillinger. Commissioner Steven A. Holt was absent. The Pledge of Allegiance was recited.

Approval of Minutes: [1:53:46]

Altman motioned to approve the June 23, 2003 minutes. Dillinger seconded. Motion carried unanimously.

Executive Session Memoranda:

Altman motioned to approve the Executive Session Memoranda of July 14, 2003. Dillinger seconded. Motion carried unanimously.

Plat Approval [1:54:30]

Jogene Pines:

Mr. Steve Broermann recommended approval of the Jogene Pines plat. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Highway Business [1:55:54]

Road Cut Permit:

Mr. Joel Thurman requested approval of Open Road Cut Permit RDCUT 2003-033 for Vectren Energy located at 101 Carrollton Avenue. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit - Highway Department:

Mr. Thurman requested acceptance of Bonds and Letters of Credit for the Highway Department: 1) HCHD #B-03-0070 - Travelers Casualty and Surety Company Annual Permit Bond 103917472 issued on behalf of Indiana-American Water Company in the sum of \$5,000 to expire February 11, 2004. 2) HCHD #B-03-0070 - Capitol Indemnity Corporation Permit Bond 625117 issued on behalf of Oles Engineering Corporation in the sum of \$5,000 for directional boring under Commerce Drive south of 106th Street to expire June 27, 2004. 3) HCHD #B-03-0071 - Fidelity and Deposit Company Performance Bond issued on behalf of Schutt-Lookabill Co., Inc. in the sum of \$408,400.37 for Bridge #176 to expire July 9, 2005. 4) HCHD #B-03-0072 - Fidelity and Deposit Company Payment Bond issued on behalf of Schutt-Lookabill Company, Inc. in the sum of \$408,400.37 for Bridge #176 to expire July 9, 2005. 5) HCHD #B-03-0073 - St. Paul Fire and Marine Insurance Company Performance Bond 400SV6892 issued on behalf of E&B Paving, Inc. for Bridge #20 in the sum of \$67,890.60 to expire July 2, 2005. 6)

HCHD #B-03-0074 - St. Paul Fire and Marine Insurance Company Payment Bond 400SV6892 issued on behalf of E&B Paving, Inc. for Bridge #20 in the sum of \$67,890.60 to expire July 2, 2005. 7) HCHD #B-02-0082 - Hartford Fire Insurance Company Bond 36BSBBT8055 issued on behalf of Wills Excavating, Inc. in the sum of \$25,000 for tap pit to expire July 31, 2004. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Agreements [1:57:25]

Subdivision Inspection Agreements:

Wexley Chase Subdivision:

Mr. Thurman requested approval of Subdivision Inspection Agreement, HCHD #A-03-0011, for Wexley Chase Subdivision. The agreement is between Hamilton County GWZ-2 Development, LLC (developer) and EDIS, Inc. (engineer). Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Long Branch Estates Subdivision, Section 3:

Mr. Thurman requested approval of Subdivision Inspection Agreement, HCHD #A-03-0012, for Long Branch Estates Subdivision, Section 2. The agreements are between Hamilton County, Northside Investments, LLC (developer) and USI Consultants, Inc. (engineers). Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Altman asked if both Subdivision Inspection Agreements were with USI? Mr. Thurman stated no, one is with EDIS. Altman stated she thought we dealt exclusively with USI. Mr. Thurman stated no, on subdivision inspection we have several firms that we use. Altman asked if they are all the same rate? Mr. Thurman stated each of these agreements have rates attached. In these two cases with EDIS and USI are both the same rates as previously approved. Altman asked if they are the same between the two firms? Mr. Thurman stated no, they are not. Altman asked how did you make the selection difference? Mr. Thurman stated the developer does not necessarily request a certain firm. We recommend who we use for the subdivision inspections. Altman asked if they are not the same rate is that fair to the developer because it is one that the county controls the employment of. Mr. Thurman stated the rates from all the firms we use are per classification of employee. Altman stated if they are all the same rate for the same work she would not have this question. She would like to have an answer by the next meeting as to what rates we are charging and how we make the distinction because we are not treating each subdivider equally. Mr. Brad Davis stated he believes that was the discussion that they were going to meet with her to talk about. Altman stated it is one thing when we employ them and absorb the costs and it is another thing when we employ them and pass on the costs. The only one she recalls approving is USI and this is the first time she has noted a different contractor being used. Dillinger stated over the years we have had a lot of contractors, this has been the test for new companies to see how they function with us. We have always used a multitude of engineering firms, most of them new. Altman stated typically the jobs she has looked at, on a pass through situation the county establishes a rate that they accept and the firm is to participate at that rate, fine. She has never seen a mandated system where the engineer is selected without a county approved standard rate for inspection, unless there is a reason to put an engineer there for higher experience. She has a concern about consistency in terms of billing and fairness.

Bridge #132, Supplemental Agreement No. 1: [2:02:14]

Mr. Thurman requested approval of Supplemental Agreement No. 1 for Bridge #132, Pennington Road over Weaver Ditch. The agreement is with USI Consultants. The total of the supplement is \$40,500 for a new not to exceed to \$80,270. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Bridge #208, Supplemental Agreement No. 7:

Mr. Thurman stated for Bridge #208, Field Drive over White River, Supplement Agreement No. 7 was tabled at the last meeting. The Highway Department recommends it be left on the table. We did meet with Al Patterson regarding habitat monitoring. The meeting was very positive. Al needs more time to find out exactly what is required for the certification for his employees. He did show a lot of interest in providing that if it was a feasible situation.

Bid Opening [2:03:44]

Bridge #198, 191st Street over Cool Creek:

Mr. Howard opened the bids for Bridge #198, 191st Street over Cool Creek. Form 96, Non-collusion Affidavit, Bid Bond, Financial Statement and Acknowledgment of Addendum (1) were included unless otherwise specified. 1) Smock Fansler - \$395,105.68. 2) Schutt-Lookabill - \$415,465.21. 3) Erber & Milligan - \$431,257.00. 4) Duncan Robertson, Inc. - \$388,357.20. Mr. Howard recommended the bids be forwarded to the Highway Department for review and recommendation later in the meeting. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Correspondence Concurrence Concerning Traffic Studies: [2:07:51]

Mr. Thurman requested approval of the list of correspondence concerning investigations of request for signage on Hamilton County Roads. 1) Robert Bishop requesting changing Stop signs to Yield signs in Wood Park Subdivision in Clay Township at three (3) intersections. The Highway Department is recommending changing only one sign of the three to a Yield sign due to site distance and the other two signs do not meet the warrants for a Yield. Altman motioned to approve. Dillinger seconded. Motion carried unanimously. 2) Terry Morning - Curve Warning sign - Belmont Circle in Clay Township. The Highway Department recommends no changes in the signs at this time. This is a subdivision street that has many curves, the sign is not warranted based on MUTCD and it is a subdivision street. Altman asked if we should direct it to the Sheriff for enforcement? Mr. Thurman stated the person requesting the investigation indicated a speeding problem. Altman motioned to approve. Dillinger seconded. Motion carried unanimously. Altman asked Mr. Thurman to amend the letter to indicate we have requested the Sheriff to monitor that area. 3) Edward Pipkin - requesting a speed limit sign, Children at Play Sign - Cornell Street & 108th Street in Clay Township. Mr. Thurman stated there is a speed limit listed for a section of road, but one of the signs was missing in one direction. The Highway Department recommends placing a sign in that area and to not place a Children at Play Sign. This is not a standard sign and the Highway Department feels the signs are ineffective. Altman motioned to approve. Dillinger seconded. Motion carried unanimously. 4) Lance Rhodes

requesting School Bus Stop Ahead at 16211 Connecticut Avenue in Fall Creek Township. The Highway Department recommends placing the School Bus Stop Ahead warning sign. Altman motioned to approve. Dillinger seconded. Motion carried unanimously. [2:11:29] Altman asked if we have a policy for a name sign, ie: Children at Play, that if they meet standards the neighborhood associations could place the signs at their expense and maintenance. Mr. Thurman stated he can not answer that. Mr. Davis stated he is unsure of what the past practice has been, it could be a permit issue, with the homeowners association responsible. Altman stated this might be a middle ground that may make people more comfortable. Altman asked if someone would let her know if this is a feasible idea.

Official Action [2:12:44]

Wood Park Regulatory Signs:

Mr. Thurman requested approval of the official action for Wood Park Subdivision, Woodview South Drive and Woodview West Drive for changing the stop sign to a yield sign. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Correspondence [2:13:40]

146th Street Extension Environmental Early Coordination Letter:

Mr. Thurman requested approval of the an environmental early coordination letter for the 146th Street Extension Project. The letter is on United Consulting Engineer's letterhead, who is the project consultant. We have had problems in the past with sending the early coordination letters on the highway department's letterhead and us receiving the responses. United Consulting is coordinating the environmental document. Altman stated she would feel more comfortable if we had a separate header stating "Approved by Commissioners". It would show we are approving their request and action, we would not be indicating we are representing United Consulting Engineers. Mr. Howard stated for this action he would not have a problem writing it in. Altman asked if it could be retyped and the President sign it on behalf of the Commissioners. Dillinger asked how time sensitive is this? Dillinger asked it to be tabled and the wording can be changed and brought back to the next meeting.

Acceptance of Right of Way: [2:18:49]

Mr. Thurman requested acceptance of Right of Way from: 1) Windermere Partners on the northwest corner of 96th Street and Mollenkopf Road of .435 acres. Altman motioned to approve. Dillinger seconded. Motion carried unanimously. 2) Shelborne Road and 126th Street, for Carmel Clay Schools to construct a passing blister. Parcels are dedicated from Joyce A. Rhodehamel - .745 acres; Rosemary Jones - .459 acres; Thomas Jones - .16 acres. Altman motioned to approve. Dillinger seconded. Motion carried unanimously. 3) Hamilton Southeastern School Corporation at 104th Street and Olio Road - .289 acres. Altman motioned to approve. Dillinger seconded. Motion carried unanimously. 4) Grant of 5' County Highway Drainage and Utility Easement from Bruce Webster and Donna L. Webster at the southeast corner of 105th Street and Combs Street in Home Place. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Sign Truck: [2:21:22]

Mr. Brad Davis stated at the previous meeting the award for the Sign Truck was tabled. The specifications have been reviewed and Mr. Davis is requesting permission to re-advertise for the sign truck. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Ditch Road Intersections Title Sheet:

Mr. Thurman requested signatures on the Title Sheet for the Ditch Road intersections of 96th Street and 116th Street. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Bid Award: [2:22:54]

Clay Terrace Project:

Mr. Howard stated the Highway Department has reviewed the bids for the Clay Terrace ramps project and would recommend the bid be awarded to Milestone Contractors, L.P. as the lowest responsive bidder. The bid award should be subject to no notice to proceed until the bonds close, which is anticipated to be the first week in August. If accepted a cover letter will need to be sent notifying Milestone that funding is not yet in place and they should not incur any expenses until they receive notice to proceed. Altman asked if the developer will take the risk of construction delay if the notice to proceed is issued before utilities or anything else? Mr. Howard stated yes. Altman stated her concern is that we don't issue notices to proceed until we know we are cleared on right of way utilities if there is a penalty or risk. Mr. Howard stated we have right of way agreements in place that will occur as part of the project. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Various Projects Memo: [2:25:30]

Mr. Thurman asked if the Commissioners would like to discuss the memo from Jim Neal on the Olio Road and Small Structure 11048, Clay Center Road over Will Creek projects. Altman stated she does not have a problem with splitting out the Olio Road project. Dillinger agreed. On the small structure, it is not a bad idea for the interlocal on reimbursement on annexation. Mr. Davis stated the thought was that we could potentially win on this situation. We could develop the project as we have already started developing and continue through with the project and Carmel would agree to reimbursement of construction and construction inspection if they annex within a certain period of time. Altman stated she would like a standard agreement. Mr. Davis stated they were thinking of a specific interlocal agreement for this specific site. Altman stated it should be county wide. Mr. Howard stated there could be a form that could be site and budget specific. It would have the same basic terms. Dillinger asked what is Altman's wish for this specific project? Altman stated if we have a practice that this is our standard procedure she would vote for it, if not we would just proceed as we always have. Dillinger stated there is a unanimous agreement on the Olio Road project. The small structure issue should be brought back to the next meeting.

Marina Limited Partnership Agreement for Additional Compensation: [2:31:42]

Mr. Howard requested approval of an agreement for additional compensation for The Marina Limited Partnership. As part of the acquisition of right of way from Marina Partnership at the boat docks on 96th Street, one of the compensable damages to them was loss of rental of

36 boat docks for one season. Should the construction not be to a point where it does not interfere with the rental in a subsequent year, we are agreeing that there would be additional compensation due to Marina for lost rental of \$46,300.00 in 2004. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Bid Award [2:34:36]

Bridge #198:

Mr. Thurman stated the Highway Department recommends the bid for Bridge #198 be awarded to Duncan Robertson, Inc. as the lowest responsive bidder. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

136th Street and Cool Creek:

Mr. Davis announced that 136th Street Bridge over Cool Creek is now open, ahead of schedule.

146th Street Interlocal Agreement with City of Noblesville:

Mr. Davis stated they are working on drafting the interlocal agreement with the City of Noblesville for the 146th Street Extension. Altman asked that a copy of the draft agreement be given to the Commissioners for review before the meeting.

Sign Policy:

Mr. Davis stated Chris Burt is working on a sign policy and we are in the process of working on the cost information.

Dillinger called a break. [2:36:43]

Dillinger called the meeting back to order. [2:57:55]

Housing Rehabilitation Grant:

Mr. Howard stated Angie Pappano has supplied him with the contract for services with Kenna Consulting & Management Group, Inc. for the administration of the Housing Rehabilitation Grant. Mr. Howard has asked Ms. Pappano to eliminate the employer relationship wording under Section 1 - Relationship of Parties. Mr. Howard also presented Resolution 7-14-03-2, Authorizing Submittal of the Community Development Block Grant Application to the Indiana Housing Finance Authority for approval. Ms. Pappano stated she has also requested approval and signatures of the Assurances and Certification and the Environmental Review Record. Altman stated based on assurances that Kenna Consulting will provide and keep the county in compliance with the grant, as you have indicated, she would move to approve the contract as an independent contractor. Dillinger seconded. Motion carried unanimously. Altman motioned to approve Resolution 7-14-03-2. Dillinger seconded. Motion carried unanimously. Altman motioned to approve the Assurances and Certification. Dillinger seconded. Motion carried unanimously. Ms. Pappano stated the Environmental Review does not require formal approval in a Board meeting, just a signature.

Certified Payroll for Prevailing Wage Contracts:[3:05:43]

Mr. John Griffin, Executive Director and Attorney with the Central Indiana Building Trades Council, prior to that he was the Commissioner of Labor for the State of Indiana for the previous three years. Mr. Griffin presented information packets regarding Certified Payroll for Prevailing Wage Contracts. Reasons to adopt certified payrolls are 1) ensures compliance with the statute; 2) affords the opportunity for city governmental and awarding agencies a means to monitor the skill level of the work-force on the project, 3) informs the contractor what is required under the common wage status and withholding statute, 4) by posting the wage rates at the job site, the worker is informed of his or her correct level of pay. 5) expedites the audit process conducted by the Indiana Department of Labor when a complaint is filed, and 6) expedites resolution of claims for wages and benefits by making available documentation showing hours worked on a project. This is not a new concept, all Davis-Bacon or federal works projects above \$2,000 require a certified payroll similar to this. He has simplified the form from the federal form by removing the Social Security numbers from the forms. He has included a caveat that would be included in public works contracts that states "inclusion of the requirements in public works contracts shall not obligate the public entity contracting for or financing the building to enforce Indiana Code 5-16-7 beyond what is currently required under state or local law."

Dillinger asked who would post this and who would enforce it? Mr. Griffin stated it would be required for an awarding agency to put it in the bid specifications and the contract. It would not be an enforcement of whether the wages are correct, it would be a contract enforcement for the awarding agency to make sure these were turned in each week. What is on the actual wage report form would not be the responsibility of the awarding agency to enforce. All you are doing is insuring that these forms were turned in on a weekly basis. It is the responsibility of the Department of Labor to enforce common wage. Altman stated her concern is that if we adopted this, we would not be the enforcing entity because by statute the State is the enforcing entity and Mr. Griffin did provide the language. Her other concern is that this would be a public record and should we require the disclosure of address of the employees, is that too intrusive? In terms of adopting it, she does not have a problem with that. It is requiring the contractor to do what he is required by statute. It may add a little more administration on him, but the records will be readily available for enforcement by the DOL if there is a problem. Mr. Howard stated he does not think we want to impose this on everybody that has a \$2,000 contract, that basement is very low. Most of the contracts that are entered into by the County that would fall under this are road and bridge contracts. Those people are all signatories to your organization's contracts. Our bids will go up, contractors will have additional administrative work in the contract. The question is cost/benefit evaluation. Are we fixing something that is not broken? Mr. Griffin stated he was not aware it would only cover roads and highways, he did not know it would not include schools. Mr. Howard stated we don't build schools, 99.9% of the public works bid contracts that the county has are roads and bridges where the signatories are Milestone, E&B Paving, etc. If we were building a fire barn or an addition to the 4-H facility or something like that to assure that people are not basically bringing people in and under paying them or paying them in cash. If this is another stack of paperwork that they have to turn in to the highway department and they are signatories to your contract anyway, are we fixing something that is not broken? Mr. Griffin stated he can not answer if we are fixing something that is not broken. He is looking at it from whatever projects the county represents. Mr. Joe Long, representing the Carpenters, stated he would like to think all of our signatories have all of the projects in this area, but that is not absolutely correct. He would like to think all of the signatories are doing the right thing, but that

is not always correct. This would be very beneficial to all of us to make sure that both the signatories and the guys who are not signatories are doing the proper thing as far as classifying and paying the guys properly. It would not be that much of added work for them to do on a weekly basis. Dillinger asked what is the added work? Mr. Howard stated there is just another form to fill out. Altman stated most of the firms we work with properly do it anyway under Davis Bacon. Altman stated she concurs with the threshold issue in terms of not every contract is going to warrant it. Posting of wages on-site is the biggest enforcement tool would do so every worker would know how they should be classified and if they are being paid accordingly. Mr. Griffin stated this form is not required under that contract stipulation. Similar language in the Davis Bacon Act states that any form that has similar language. Most large contractors would probably have a software package that would include what is on the form. Once the Department of Labor has the form approved by the State Board of Accounts, it will be on the DOL Website, if someone would choose to download it. Mr. Howard stated they are basically asking we make this as part of the bid specs for any public works project. Mr. Howard suggested that if the Commissioners approve this, the \$2,000 threshold go up to \$100,000. Altman asked if the Website form will be in PDF Form? Mr. Griffin stated yes. Altman asked if we were to adopt this would you provide us with this format so we could put it on our Website? We have the ability to convert PDF forms into user online forms. Mr. Griffin stated yes. Mr. Howard stated 95% of what we do will affect the Highway Department. Mr. Davis asked if this is a requirement by statute? Mr. Howard stated no, it is not a statute. They are asking us to impose these conditions as part of the bid packet as requirements of our contractors. They are asking the wages approved for the job be posted on site. This will be in our specs. It is not mandated by state law. What is mandated by state law are the common wages and we set the wages at a common wage hearing. Altman stated this is an audit tool, we would not do anything with it but collect the information. It would become a public record and then the DOL or whoever could come in and see if the wages are complied with. Altman suggested we take this under advisement for at least 2 weeks, let the highway department review it and consider it and then come back with a recommendation. Mr. Howard stated these would be included with the contractor's pay claims. Altman stated we should consider how often would we require the certified payroll be submitted so it is not too burdensome to the Auditor's office or the Highway Department. Mr. Howard asked Mr. Davis if the entire pay app is submitted to the Auditor's office as part of their records or do you maintain it as part of your record at the highway department? Mr. Thurman stated in the past we have not included that to the Auditor, it is part of the Highway records. Dillinger asked what is the feeling on the minimum of \$2,000? Mr. Griffin stated if the Commissioner's want to raise it that is fine. He would like to see it raised to \$50,000 rather than \$100,000. \$50,000 still involves a substantial number hours of work and the potential of an employee being cheated out of substantial sum of money. Mr. Howard stated we would post the wages and require certified, even though it is not a common wage project. Mr. Griffin stated this would only kick in on projects above \$150,000. If you had a project that was \$2 million and a subcontract on that project that was \$75,000, even though it is below the threshold it is still under common wage because the project is above the threshold. Subcontracts that are below \$150,000 could fall within the statute. Mr. Howard asked would it make sense to state it would not apply to any contract that is not covered by the common wage law? Altman stated we would have to do that otherwise we would not need a certified payroll. Mr. Griffin stated he thinks that is how he has phrased it. If a total contract was awarded for \$125,000 for one project, this would not kick in at all. Altman asked that this information be shared with the Parks

Department and she would like their comments. Altman motioned to table. Dillinger seconded. Dillinger stated this will be tabled until July 28th. Motion carried unanimously.

Dillinger called a break in the meeting. [3:31:10]

Dillinger called the meeting back to order. [3:37:28]

Juvenile Justice Programs Fundraising Proposal:

Mr. Larry Dawson presented a proposal to develop a funding plan and revenue enhancement for Juvenile Justice Programs from AdminPros-Huskey. This is a proposal as written by Bobbie Huskey states that they would raise new money for the Hamilton County on a contingency taking all the liability herself. The first year would cost the county 20%, second year - 18%, third year - 16% and if we want to extend the agreement it is 10% for the fourth and fifth year. Mr. Dawson suggested Mr. Howard review the contract. Mr. Dawson stated if we go ahead with this contract he would like to see one county employee who would be connected with this, they could learn what they are doing and we could make sure it is being reported back, we could gather the information and after the three or five year period we would have enough skill to do this ourselves. Mr. Howard stated in the agreement section 3.1 and 3.2 appear to require an initial compensation of \$74,900 for developing the funding plan, grant research and writing, etc. The 3.3 compensation which is the contingency appears to be in addition to. Mr. Dawson stated he does not know and that is why Mr. Howard should review it. On the last page it says we shall assume all risks up front at no costs to the county, our fee will be based on a percentage of success for collections. He is not sure if it is either or they go together. His recommendation is based on that we will assume all risks up front at no costs to the county. Mr. Dawson stated he would not recommend it if we had to pay anything up front, he would recommend it if they assume all risks up front. Dillinger asked to postpone this discussion until Mr. Howard has had a chance to review the proposal and clarify these issues. Altman asked Mr. Howard to make sure it is not proprietary what they do so as long as we comply with the percentages in the three years we own the work product. She wants to make sure the welfare/family/child fund - make sure she is not counting potential tax levy increases as part of her new money. Altman motioned to table until the next meeting. Dillinger seconded. Motion carried unanimously.

Prosecutor's Office Expansion: [3:43:12]

Mr. Dawson stated they know they would like to expand the Prosecutor's office and move the Planning Department and whatever other changes need to be done. We have not seen that any designer has been hired for the project. We don't know what the Commissioner's desire is for putting the project together, if you want to hire an architect or designer? Envoy has prepared a rough estimate, but we have no documents. Altman asked if we have a current as-built set of plans for this building? Mr. Scott Warner stated we are in the process of having an as-built set of plans made. He expects to hear sometime this week that the plans are complete. Mr. Dawson stated they do not want to go into a project like this without total consideration of each department by a designer showing what is where now and what changes they want to make and how that effects mechanical, electrical, the network, phones, walls inside the building, and what this does to the storage that will be displaced. If we are going to do it and you want us to do it we would like a designer lay out the space. Mr. Swift stated we need a time table, listing of what to do first. Altman stated we need as-built's first. Doing the project the right way is what you want

to do. We would be happy to do the project or advise on how to do it, you will need a designer first. Altman stated we need to look at pulling departments out of the building, long-term. Dillinger stated we need a good assessment of what space is available. Mr. Swift stated we did compare the space in the basement and what Planning has now and they are virtually the same square footage. We know at that point we will be out of space in this building. Mr. Warner stated there is some additional shifting, the space that is being looked at is primary storage for Buildings and Grounds supplies as well as where Janus stores their supplies for the Canteen. He would encourage that we find another place to relocate these items or build into the costs of the project, cages or storage place. There is no more space in the sub-basement. These items are not conducive to being moved up and down on the elevator. There is more than moving these two departments, it affects his department directly. Altman stated if we are going to expend what was estimated we are not moving pawns around on the chessboard. We need a long term plan. Mr. Swift stated you also have a choice of whether or not you want to use Envoy's services. Dillinger stated having dealt with these things for the last 15 years, when we did not have construction management people overseeing it and seeing it through we did not get a very good end product. The transition did not work real well and he is not sure what we did was the right thing. Altman stated she is not concerned over someone overseeing it, she wants to make sure we are not doing a short-term fix when we are going to have a big mess in 2-3 years. Dillinger stated the question is whether or not to hire Envoy to head this up and see it through like they have on our other projects. Altman stated we don't need to decide that now, she would like to see on paper what we have and what we are dealing with. Dillinger stated let's wait until the plans come back and put it on the July 28th agenda, assuming the plans are back. Altman asked Mr. Dawson to put a proposal together on the project.

Base Map Contract Addendum #2: [3:53:58]

Mr. Larry Stout stated the GIS Policy Committee recommends that we amend our contract with Woolpert to obtain updates to our base map in 2004. These updates will include new aerial photography, LiDar, new digital ortho photos, new topographic map, new hydrographic map, and updates to the building outlines. Woolpert recommends obtaining the LiDar data in November 2003 and aerial photography in March 2004 so they can produce the new digital ortho photos and deliver them in September 2004. On previous updates it has taken a year from aerial photography to get the digital ortho photography, this will speed it up by six months. The total cost of the project is \$876,000 which is more than what we currently have in the non-reverting fund. We have asked Woolpert to break it up in to two contracts addenda. Today is Addendum #2 which is aerial photography and LiDar and digital ortho photos in the amount of \$389,714.00, which we currently have funding for. Addendum #3, for the remainder of the project, in the amount of \$486,286, once the funding is in place. Altman stated it was a unanimous concurrence of the GIS Committee that Woolpert is the appropriate contractor because they integrate with prior work and we know the quality of the work produced, which has been exceptional. Mr. Stout stated they stand behind their work. Altman motioned to approve Addenda #2 to the Woolpert contract. Dillinger seconded. Motion carried unanimously.

E-911 Additional Appropriation: [3:56:01]

Mr. Stout stated the E-911 Committee has interviewed four candidates for the E-911 Addressing Coordinator position. Two candidates were outstanding. We discovered the salary is low, we felt the salary of \$40,000 is appropriate. It was a unanimous consensus of the Personnel

Committee to request the 144 amendment. Ms. Mills stated this request is on the August 6th County Council agenda. Altman motioned to approve. Dillinger seconded. Motion carried unanimously. Dillinger stated Cripe, Inc. has nominated Hamilton County on how we are dealing with this process.

Homeland Security Grant - Mobile Command Center:

Altman stated Homeland Security will be coming through with grant monies for Hamilton County. We anticipate \$140,000. It is not EMA, not LEPC, it is a new entity. Once they come up with the grant program Hamilton County will have 60 days to decide how to spend the \$140,000. We will need concurrence of the Commissioners, City of Carmel, City of Noblesville and Town of Fishers. Everyone will have to sign off in a very short time period. We have tried to look at it up front before the official packet is distributed. Once concurrence that is there between all the entities is a mobile command center to be shared among the jurisdictions. Sheriff Carter does concur with that and he is working on specs for us to consider. Altman stated she has approached Council to see if they would advertise on a county basis for the acquisition, if we equip it. She is not sure what kind of response Council will have because we did not have enough information for them. If they were to advertise it with this year's budget we could establish a rate and go forward in 2004. If we do have excess money in the 911 Fund, that is another source of repayment if we decide to go for this acquisition. Dillinger stated we already have a command center. Sheriff Carter stated we have a small trailer that we have access to take off-site. The technology is not built into the trailer for inter-operability of other systems, it is simply a place to get out of the weather. It has not been used often. It would not allow us to function as public service providers within this community as we exist if one of our centers went down. Altman stated one thing she has always been impressed with our county is the cooperation of the public service providers. The interlocal response is not questioned and this is an acquisition that will be well utilized. The last thing we need is a command center for everybody in every jurisdiction and this resolves this issue.

Attorney [4:03:37]

Uninsured and Underinsured Motorist Waiver:

Mr. Howard stated it is his understanding that this declaration of the Uninsured Motorists Coverage is only as to the umbrella. St. Paul does not provide uninsured or under insured as part of the umbrella coverage. We would still have our uninsured and underinsured below the umbrella which is \$2 million per incident. Mr. Fearrin has indicated that if we want uninsured and underinsured as part of our umbrella that St. Paul will not write the umbrella and we will have to shop the market. Altman stated \$2 million is a lot of coverage for an uninsured motorist. Mr. Howard stated that presumes it would be the employee's only recourse. If they were driving the vehicle under our employment, they would still have workers comp. The uninsured and underinsured would be in addition to workers comp. Mr. Howard stated under those representations he would suggest we elect the uninsured and underinsured provisions do not apply to our umbrella with St. Paul and accept the recommendation of our insurance advisor and decline coverage. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Resolution 7-14-03-1 Reimbursement Resolution:

Mr. Howard presented Resolution 7-14-03-1, Reimbursement Resolution as part of the Clay Terrace Project. In order to meet the schedule Lauth has ordered a Con-span structure and drainage pipe. We are anticipating closing the bonds in August. This resolution states that Hamilton County agrees to reimburse them those actual costs upon receipt of a paid invoice up to \$250,000. Reimbursement shall be subject to issuance of the bonds. Altman motioned to adopt Resolution 7-14-03-1. Dillinger seconded. Motion carried unanimously.

Administrative Assistant [4:09:28]

Riverwalk Committee Appointment:

Altman motioned to reappoint Steve Schwartz as Commissioner's representative to the Riverwalk Committee. Dillinger seconded. Motion carried unanimously.

Indianapolis Board of Realtors Handbook:

Mr. Swift stated the Indianapolis Board of Realtors have proposed to print a handbook from Hamilton County general information. The information included in the handbook is all public information. They are asking if we are interested in allowing them to print and circulate a handbook. They are not asking for any funding. Altman asked Mr. Swift to check the information for accuracy. Altman motioned to allow them to use our public records for the handbook. Dillinger seconded. Motion carried unanimously.

Hamilton County 4-H Fair:

Mr. Swift reminded the Commissioners that the 4-H County Fair is later this week. All elected officials are encouraged to attend either Friday or Saturday evening for a "Meet Your Elected Official" evening in the Government Tent. Mr. Swift asked concurrence of the Commissioner's to give away the county maps at our booth. The map will be updated soon. Dillinger and Altman concurred.

Local Emergency Proclamation:

Mr. Swift stated the Commissioners declared a local emergency due to the flooding on July 11, 2003. Mr. Swift requested ratification of the Local Emergency Proclamation. Altman motioned that due to the emergency situation without notice we adopted a resolution declaring a State of Emergency due to flood waters and ratify the same. Given the change in circumstances and the river receding motioned to remove the State of Emergency. Dillinger seconded. Motion carried unanimously.

Alternative Incorporated of Madison County Letter:

Mr. Swift requested approval and signatures on a letter to Alternative Incorporated of Madison County as requested by Beth Gelhausen. Alternatives of Madison County is used by Prevail to house women and children who are victims of domestic violence and they are trying to get grant money. Altman stated based upon our local agency's support of this entity she moved to adopt the letter. Dillinger seconded. Motion carried unanimously.

KPMG Forensic Proposal:[4:15:20]

Altman motioned to request Mr. Howard to employ the accounting firm of KPMG. We have received a proposal from KPMG. We have met with them two times and looked over what the State has given us from Hamilton County's request for information and they have defined a proposed course of action to review the State's records, work with us on identifying additional records we will need to resolve the COIT issues and audit COIT. County Council has approved this agreement and requesting Mr. Howard to retain them for audit purposes to aid them in the use of COIT. Altman requested the Commissioner's adopt the same resolution. The initial amount not to exceed is \$60,000. Dillinger seconded. Motion carried unanimously.

Sheriff [4:17:57]

Surplus Highway Vehicle:

Sheriff Doug Carter requested the Highway Department pick-up truck #31 be transferred to the Sheriff's Department for the sole purpose for use by the road work crews. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Auditor [4:19:05]

Bovine, Brucellosis and Tuberculosis Eradication Program Contract:

Ms. Robin Mills requested approval of the Bovine, Brucellosis and Tuberculosis Eradication Program contract with the Indiana State Board of Animal Health. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Liability Trust Claim:

Ms. Mills requested approval of a Liability Trust Claim payable to Miller's Auto Body in the amount of \$346.19. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Clerk of the Circuit Court Monthly Report:

Ms. Mills requested approval of the Clerk of the Circuit Court monthly report for May 2003. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit - Drainage Board:

Ms. Mills requested acceptance of Bonds and Letters of Credit for the Drainage Board. 1) HCDB-2003-00038 - Bond Safeguard Insurance Company Bond No. 5003805 for Fox Hollow at Geist Section 1 monuments and markers - \$2,100.00. 2) HCDB-2003-00039 - Bond Safeguard Insurance Company Bond No. 5003806 for Fox Hollow at Geist, Section 1 erosion control - \$32,689.90. 3) HCDB-2003-00040 - Bond Safeguard Insurance Company Bond No. 5003804 for Fox Hollow at Geist Section 1 storm sewers and subsurface drains - \$142,065.00. 4) HCDB-2003-00043 - Developers Surety and Indemnity Company Subdivision Improvements Performance Bond No. 888446S for Monarch Springs Section 1 offsite storm sewer extension (Peterson Arm) - \$97,800.00. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Release of Bonds/Letters of Credit - Drainage Board:

Ms. Mills requested release of Bonds and Letters of Credit for the Drainage Board. 1) HCDB-2002-00342 - Gulf Insurance Company Performance Bond No. B21864641 for Long Branch Estates Section 2 Subdivision for storm sewers, subsurface drains, erosion control and monumentation. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Payroll Claims: [4:20:36]

Ms. Mills requested approval of the Payroll Claims for the period of June 7-21, 2003 paid July 3, 2003 and June 21-July 5, 2003 paid July 18, 2003. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Vendor Claims:

Ms. Mills requested approval of the Vendor Claims to be paid July 15, 2003. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Statements of Compensation of County Employees:

Ms. Mills requested acceptance of the 144's, Statements of Compensation for County Employees. Altman motioned to approve the 144's subject to funding by Hamilton County Council. Dillinger seconded. Motion carried unanimously.

Baker Donelson Bearman Invoice: [4:21:51]

Ms. Mills stated we have received an invoice from Baker Donelson Bearman and we do not have a contract with them. Ms. Mills asked if the Commissioners want to sign the claim or wait until we have a contract? Altman stated we need to defer it until we have a contract. Dillinger stated he is not interested in renewing the contract. Altman motioned to table. Dillinger seconded. Motion carried unanimously.

E-911 Committee Meeting:

Ms. Mills asked Dillinger to set a E-911 Committee meeting for this week. A non-technical demonstration for Pictometry will be presented. Mr. Stout stated this is important and we should consider moving on quickly. With vacation schedules we could not meet for several weeks. Pictometry is a new technology that involves taking oblique aerial photography of the entire county and software that makes it available for viewing and measuring both horizontal and vertical distances in areas, getting elevations. It is primarily a public safety application but it would also have tremendous use in both planning and assessing. The way they license the software and photography, a county license would cover all of the municipalities and the other government entities throughout the county. The Sheriff's Department thinks this software is the answer they have been looking for in-car software. There is a lot of interest and it makes sense for it to be 911 funded. There is some urgency because if we get a favorable response, they could begin photography this summer. They take high altitude photography with leaf on and lower altitude photography after the leaves have fallen. Dillinger asked what is the cost? Mr. Stout stated approximately \$60,000 a year on a two year contract. This would provide a new set of photography each year. Dillinger asked Ms. Mills to look at the amount of money available from E911 funds. Altman asked how is this different from other aerial photography? Mr. Stout stated the other aerial photography we get is taken straight down out of the belly of the plane. This is

taken out of the window at a 40° angle so you can see the faces of buildings, fire hydrants, shrubs and trees, poles. Altman asked if it is more of a three dimensional application? Mr. Stout stated yes, it's primary selling point is in public safety for tactical situations. It will also revolutionize the area of field assessing. You can get a lot of information without leaving your desk. Altman asked if the showing will give you an idea of accuracy? Mr. Stout stated we have asked them to provide a very non-technical demonstration. We felt the E911 Board should see what this can do, it is quite dramatic and surprisingly inexpensive. The caveat is that we would not own the photography, it would not be ours to redistribute on the Internet. Dillinger asked why does this have to be done now? Mr. Stout stated August and September are the last good months to take the high level leaf on photography. We still have contract issues to resolve if you are favorable for a project such as this. Dillinger stated set the meeting at 9:00 am on Friday, July 18th. Diana Lynch will inform the committee.

Addendum to Agreement with Business Associate - HIPPA: [4:29:39]

Mr. Howard requested approval of the Addendum to Agreement with Business Associate, HIPPA Form 17, which authorizes the County Attorney to have access to employee confidential health information only for the purposes of those items of which he is involved in litigation. Altman stated she would not limit it to just involvement in litigation. Mr. Howard stated no, it is any information that is necessary as needed by the County Attorney. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Altman motioned to adjourn the meeting. Dillinger seconded. Meeting adjourned at 4:30 pm.

Dillinger reconvened the meeting at 4:35 pm.

Jackson Township Fire Department:

Altman motioned to approve the request from the Jackson Township Fire Department for the use of E911 funds for the purchase of pagers. Dillinger seconded. Motion carried unanimously.

Altman motioned to adjourn the meeting. Dillinger seconded. Meeting adjourned.

Commissioners Correspondence:

Notice of Hamilton County Drainage Board Hearing for Elwood Wilson Drain

DNR Community Assistance Visit Follow-up

IDEM Notice of Sewer Permit Applications:

Cumberland Pointe Commercial - Noblesville
Brighton Knoll, Off-site & Section 1 - Noblesville
Carmel WWTP - Carmel
The Highlands at Gray Eagle, Section 1 & 2 - Fishers
Nottingham Court Sanitary Sewer Project - Carmel
Long Branch Estates, Section 3 - Carmel
Woods at Geist Overlook, Section 2 - Fishers

IDEM Notice of Public Comment:

Indiana Ductile, LLC

IDEM Notice of Appeal Rights:

Windermere Place - Fishers
Hayden Run, Section 2 - Carmel
Nottingham Court - Carmel
West Haven at Noble West, Sections 1A, 1B, 2A, 2B - Noblesville
Mud Creek Sewer Extension at Gray Eagle - Fishers
Mud Creek Lift Station and Force Main - Fishers
Saxony Residential and Commercial - Fishers
Tanglewood, Sections I, Second Revision - Fishers
Highlands Prairie, Section One - Noblesville
Riverview Medical Park at Hazel Dell Parkway - Carmel
Princeton Lakes Apartments - Noblesville
Riverview Medical Park at Hazel Dell Parkway - Carmel
Highlands Prairie, Section One - Noblesville
The Highlands at Stony Creek, Section 4B - Noblesville
Clarian North Women's and Children's Hospital - Carmel

IDEM Notice of Renewal Application:

Cheeeney Creek Wastewater Treatment Plant - Fishers

Present

Christine Altman, Commissioner
Steven C. Dillinger, Commissioner
Robin M. Mills, Auditor
Kim Rauch, Administrative Assistant to Auditor
Fred Swift, Administrative Assistant to Commissioners
Michael A. Howard, Attorney
Doug Carter, Sheriff
Brad Davis, Highway Director
Patricia Ogden, Highway Public Service Representative
Dave Lucas, Highway Inspector
Robert Chadwell, Highway Inspector
Mark Fisher, Highway Technical Engineer
Christopher Burt, Highway Staff Engineer
Tim Knapp, Highway Right-of-Way Specialist
Joel Thurman, Highway Project Engineer
Matt Knight, Highway Staff Engineer
Mike McBride, Small Structure Staff Engineer
Faraz Hahn, Highway Department
Rod Miller, TEBCO Inc.
Brian Miller, United Consulting Engineers

Greg Rominger, Earth Tech
Bob Davis, Highway Superintendent
Dave Richter, United Consulting Engineers
David Pluckebaum, Corradino
Angie Pappano, Kenna Consulting
George Piper, Noblesville Daily Times
Larry Stout, GIS Manager
Jim Gillaspay, Indianapolis Star
Scott Warner, Buildings & Grounds
Larry Dawson, Envoy
Dan Mayer, Envoy
Sonia Leerkamp, Prosecutor
Teresa Thomas, Prosecutor's Office